

REMARKS

The final Office Action dated July 26, 2005 and the Advisory Action dated November 7, 2005 have been carefully considered. Claims 1-4, 6-8 and 10-20 are pending in the application, with claim 1 being the only independent claim and claims 6-7, 11-17 and 20 being withdrawn from consideration. Claim 1 has been amended. Reconsideration of the application, as amended herein and in view of the following remarks, is respectfully requested.

Claim 1 was rejected under 35 U.S.C. §103(a) as unpatentable over the shock absorber shown in Fig. 5 of U.S. Patent No. 3,625,321 (Lutz) in view of the shock absorber shown in Fig. 1 of Lutz. Applicants respectfully submit that claim 1 is patentable over Lutz because Lutz does not teach or suggest all of the limitations of claim 1.

In particular, Lutz does not teach or suggest that at least one of first and second valves comprises (1) a valve piston sealingly and displaceably mounted within a valve chamber and biased towards a mouth of the valve chamber by a closing force, and (2) a closing element coupled to the valve piston and extending between the valve piston and the mouth, as recited in claim 1.

The Examiner interpreted (page 3 of the final Office Action dated July 26, 2005) the two spring biased valves in Fig. 5 of Lutz (one on the right side of piston 2, and the other on the left side of piston 3) to be first and second valves as recited in claim 1. This interpretation is incorrect and inconsistent with what Lutz teaches or suggests. The description of Lutz does not discuss these spring biased valves at all. As far as Applicants can tell from a review of Fig. 5, each of the spring biased valves of Lutz has a spring biased, vertically oriented element, which is in a vertical passage of the piston 2 or 3. A horizontally oriented element is attached to the vertically oriented element to close a mouth of the vertical passage. As clearly illustrated in Fig. 5, the vertically oriented element of Lutz has a uniform diameter along its entire length, and its diameter is much smaller than the diameter of the passage. As such, the vertically oriented element does not, and cannot, constitute a valve piston. As the Examiner correctly pointed out in the Advisory Action (page 2), a piston

should be an element that closely corresponds in size to a passage or chamber, not an element whose diameter is much smaller than the passage. Therefore, Lutz fails to teach or suggest a valve piston which is sealingly mounted within a valve chamber, as recited in claim 1 of the present application.

Second, as clearly illustrated in Fig. 5 of Lutz, the horizontally oriented element, which the Examiner interpreted to be a closing element, does not extend between the vertically oriented element and the mouth of the passage because the horizontally oriented element is always positioned outside the passage. Thus, Lutz fails to teach or suggest a closing element which extends between a valve piston, which is within a valve chamber, and a mouth of the valve chamber, as recited in claim 1.

In view of the foregoing, withdrawal of the 103(a) rejection of claim 1 is respectfully requested.

Dependent claims 2-4, 8, 10 and 18-19 are patentable for at least the same reasons that independent claim 1 is patentable, as well as for the additional limitations recited therein.

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Thomas C. Pontani
Reg. No. 29,763
551 Fifth Avenue, Suite 1210
New York, N.Y. 10176
(212) 687-2770

November 28, 2005